

25-5953  
No.

ORIGINAL

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 2025

FILED  
OCT 20 2025  
OFFICE OF THE CLERK  
SUPREME COURT, U.S.

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CHRISTOPHER HENDERSON,

Petitioner,

v.

STATE OF ALABAMA,

Respondent.

---

ON PETITION FOR A WRIT OF CERTIORARI  
TO THE ALABAMA COURT OF CRIMINAL APPEALS

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MOTION TO PROCEED *IN FORMA PAUPERIS*

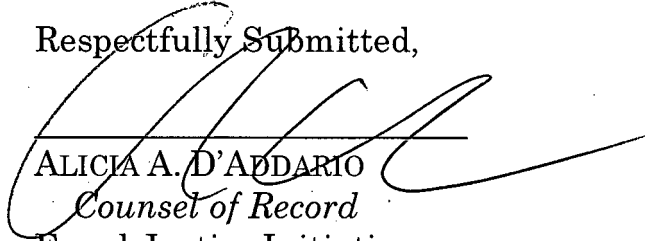
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Petitioner Christopher Henderson, pursuant to Rule 39 of the Rules of the Supreme Court of the United States, respectfully requests leave to file the attached Petition for Writ of Certiorari to the Alabama Court of Criminal Appeals without prepayment of costs and to proceed *in forma pauperis*. Pursuant to Ala. Code §§ 15-12-21-22, Mr. Henderson was declared indigent and appointed counsel prior to his trial and on appeal. *See* Sup. Ct. R. 39(1). The affidavit of indigency and order appointing trial counsel is attached as Appendix A. The order appointing appellate counsel is attached as Appendix B.

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For these reasons, Mr. Henderson respectfully requests that this Court grant him leave to proceed *in forma pauperis* in this Court.

Respectfully Submitted,



ALICIA A. D'ADDARIO

*Counsel of Record*

Equal Justice Initiative

122 Commerce Street

Montgomery, AL 36104

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Email: [adaddario@ejl.org](mailto:adaddario@ejl.org)

October 20, 2025

*Counsel for Christopher Henderson*

## Appendix A

Hel # 6



ELECTRONICALLY FILED  
8/20/2015 4:20 PM  
47-DC-2015-004825.00  
CIRCUIT COURT OF  
MADISON COUNTY, ALABAMA  
JANE C. SMITH, CLERK

STATE OF ALABAMA  
Local Form

**AFFIDAVIT OF INDIGENCY  
AND ORDER**

In the District Court of Madison County  
State of Alabama vs. Henderson, Christopher Matthew  
In the matter of: Capital murder - Arson Address: Cap Murder - Burglary  
Charge/Type Proceeding Cap Murder - Two Phone: Cap Murder - Under

DC 154825-  
4829.00

1. Do you have an appointed attorney on any other pending criminal case?  
No  Yes  Attorney's Name \_\_\_\_\_  
*through use of credit card*

DC 15 4636.00

INCOME/EMPLOYMENT

A. Do you have a job or work for yourself? Yes  No   
Employer Name and Address \_\_\_\_\_  
How much do you earn each week? Gross \$ \_\_\_\_\_ Take Home \$ \_\_\_\_\_  
B. Does your husband or wife work? Yes  No   
Employer Name and Address \_\_\_\_\_  
How much does he/she earn each week? Gross \$ \_\_\_\_\_ Take Home \$ \_\_\_\_\_  
C. Do you or your wife receive benefits from any other source? Yes  No   
How much do you receive each month? \$ \_\_\_\_\_

DEFENDANT

A. Do you have any money in any bank, savings and loan, credit union, or any other place including cash on hand?  
Yes  No  Where? \_\_\_\_\_ How much? \$ \_\_\_\_\_  
B. Do you own anything else of value? (Land, House, Car, Etc.) Yes  No   
What? \_\_\_\_\_ Total Value \$ \_\_\_\_\_

ASSETS

A. Are you Single  Married  Widowed  Divorced/Separated   
B. Do you have any dependents? Yes  No   
Who and what relationship? 1 child.

DEBTS

A. What does it cost you to live each month? \$ \_\_\_\_\_

Creditor	Total Debt	Monthly Payment	Creditor	Total Debt	Monthly Payment
Loans	\$ /	\$ /	Car Payment	\$ /	\$ /
Charge Accounts	\$ /	\$ /	Groceries	\$ /	\$ /
House or Rent Payment	\$ /	\$ /	Utilities	\$ /	\$ /
Alimony	\$ /	\$ /		\$ /	\$ /
Support	\$ /	\$ /		\$ /	\$ /

It is my desire at this time to have counsel appointed by the court to represent me on the above charge(s). In support of this request, I have answered the preceding questions relating to ability to pay. I swear or affirm that the answers are true and reflect my present financial status. I understand that a false statement or answer to any questions in this affidavit may subject me to penalties for its authorized representative to obtain records or information pertaining to my financial status for acknowledge that if the court appoints an attorney to represent me, the court may require me to pay the counsel.

Bruce A. Gardner, Attorney at Law  
123 Northside Square, Suite 300  
Huntsville, AL 35801  
Telephone: 256-533-5756  
Email: monna@gardnerlaw.org

Sworn to and subscribed before me this 19th day of August 2015

Affiant/Defendant

Judge/Notary

**ORDER**

It is ordered that the foregoing request be:  Granted  Denied

**APPOINTMENT OF ATTORNEY**

It is therefore ordered and adjudged by the Court that \_\_\_\_\_ is hereby appointed as counsel to represent, assist and defend in this (these) case(s). It is further ordered that the Court reserves the right and may order reimbursement of Attorney's fees and expenses, approved by the Court and paid to the appointed counsel.

Bruce Gardner  
Robin Carter Wolfe  
Attorney at Law

Done this 19 day of August 2015

Judge

## Appendix B

229  
ELECTRONICALLY FILED  
10/14/2021 9:51 AM  
47-CC-2017-003064.00  
CIRCUIT COURT OF  
MADISON COUNTY, ALABAMA  
DEBRA KIZER, CLERK

**IN THE CIRCUIT COURT OF MADISON COUNTY, ALABAMA**

STATE OF ALABAMA	)	
	)	
V.	)	Case No.: CC-2017-003064.00
	)	
HENDERSON CHRISTOPHER	)	
MATTHEW	)	
Defendant.	)	

**ORDER APPOINTING APPELLATE COUNSEL**

The Oral Motion to Withdraw and Appoint Appellate Counsel is hereby GRANTED.

It is **ORDERED, ADJUDGED and DECREED** that Bruce Gardner and Robin Wolfe, are hereby *withdrawn* as attorneys for the Defendant in the afore-referenced case.

It is further **ORDERED, ADJUDGED and DECREED** that Justin Nance, a licensed attorney at the Bar of this State, be and is hereby appointed to represent the Defendant on appeal.

**DONE** this 14<sup>th</sup> day of October, 2021.

**/s/ CHRIS COMER**  
\_\_\_\_\_  
**CIRCUIT JUDGE**